APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/732,960	12/11/2003	Graham N. Pearce	555255012668	9286

33787   7590   06/04/2007
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ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
06/04/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/732,960	PEARCE, GRAHAM N.
	Examiner	Art Unit	
	EMEM EKONG	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>11 December 2003</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-19 and 21</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) <u>11-13</u> is/are allowed.

6)☒ Claim(s) <u>1-10, 14-19, and 21</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>11 December 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date. _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed 03/13/2007 have been considered but are moot in

view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating
       obviousness or nonobviousness.

2.   **Claims 1-10** are rejected under 35 U.S.C. 103(a) as being unpatentable over U

S. Publication No. 2002/0165012 A1 to Kirbas et al. in view of U.S Publication No.

2004/0198335 A1 to Campen, and further in view of US Publication No. 2004/0184593

A1 to Elsey et al.

Regarding claims 1 and 5, Kirbas et al. discloses a wireless communication

device for use by an individual of an enterprise, comprising: a radio modem which

receives long distance call restriction information (paragraph 0006 lines 6-11, pars. 17-

18, and paragraph 0026 lines 5-7, i.e. wireless communications device 100 downloads

instruction via antenna 210 of transceiver 140); the long distance call restriction

information being indicative of one or more country codes or area codes (par. 3 lines

10-14, pars. 4, 9, 23, and 25), memory (i.e. memory 130) for storing the received long

distance call restriction information received from the host enterprise server (paragraphs

0003, 0006 lines 11-13, par. 17 lines 5-10, and pars. 26-27, inherently, stored

information can be downloaded from a host enterprise server); a user interface which is

configured to receive a telephone call attempt from the wireless device of the

individual(see figure 1, figure 2 step 220, paragraph 0006 lines 13-17, and paragraph

0022, i.e. input device 170); a controller which is configured to: determine whether the

call attempt is restricted by the long distance call restriction information (see figure 1,

figure 2 step 250, paragraph 0006 lines 17-21, and paragraph 0022, i.e. controller 120);

if the call attempt is restricted by the long distance call restriction information, restrict the

call attempt from the wireless device (paragraphs 00022-0023); and if the call attempt is

not restricted by the long distance call restriction information, allow the call attempt from

the wireless device (paragraphs 00022-0023).

However, Kirbas et al. fails to disclose the call restriction information received

from a host enterprise server of a private communication network of the enterprise

which is outside of the wireless communication network within which the wireless device

operates.

Campen discloses the call restriction information received from a host enterprise

server of a private communication network of the enterprise which is outside of the

wireless communication network within which the wireless device operates (see figure 1

and pars. 12-16).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention to modify the invention of Kirbas et al., and have the call restriction

information received from a host enterprise server of a private communication network

of the enterprise which is outside of the wireless communication network within which

the wireless device operates for the purpose of using received restriction information in

controlling usage of the device.

However, Campen fails to disclose the host enterprise server having the long

distance call restriction information stored in a user profile which is unique to the

individual and being one of a plurality of user profiles for individuals of the enterprise.

Elsey discloses the host enterprise server (see figure 1, pars. 6, 47, and64-67,

switch host computer 106) having the long distance call restriction information stored in

a user profile which is unique to the individual and being one of a plurality of user

profiles for individuals of the enterprise (121-134).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention to modify the invention of Campen, and have the host enterprise

server having the long distance call restriction information stored in a user profile which

is unique to the individual and being one of a plurality of user profiles for individuals of

the enterprise for the purpose of storage and retrieval.

Regarding claims 2 and 6, the combination of Kirbas et al., Campen and

Elsey discloses the method of claim 1, however, the combination fails to disclose

further comprising a wireless tunnel through the wireless communication network over

which the long distance call restriction information is pushed to the wireless device (par.

22).

Regarding claim 3, the combination of Kirbas et al., Campen and Elsey

discloses the wireless device of claims 1 and 5, acts of the method are performed for

each one of a plurality of wireless communication devices associated with the plurality

of user profiles of the enterprise (Elsey et al., pars. 65 lines 3-7).

Regarding claims 4, 7, and 8, the combination of Kirbas et al., Campen and

Elsey discloses the wireless device of claims 1 and 5 wherein the act of receiving

comprises the further act of receiving the long distance call restriction information from

the host enterprise server which is further utilized to regularly synchronize data items

between an application of the wireless device and the host enterprise server (Kirbas et

al., par. 3 lines 10-14, and pars. 26-27, port 190).

Regarding claim 9, the combination of Kirbas et al., Campen and Elsey

discloses the wireless device of claim 5, further comprising: wherein the radio modem

receives long distance call restriction information of the user profile which uniquely

corresponds to a mobile or subscriber identifier stored in the wireless device (Kirbas et

al., pars. 21-24).

Regarding claim 10, the combination of Kirbas et al., Campen and Elsey

discloses the wireless device of claim 5, further comprising: a smart card interface for

receiving a smart card; and wherein the radio modem receives long distance call

restriction information of the user profile which uniquely corresponds to an identifier

stored on the smart card (Kirbas et al., see figure 1, and paragraph 0017).

3.   **Claims 14-16 and 18,** are rejected under 35 U.S.C. 103(a) as being

unpatentable over Kirbas et al. in view of U.S Publication No. 2006/0210046 A1 Smith,

and further in view of Elsey.

Regarding claims 14 and 16, Kirbas et al. discloses in a wireless

communication device for use by an individual of an enterprise, a method of providing

restrictions on long distance calls from the wireless communication device comprising

the acts of: receiving from a user interface of a wireless device of the individual, a

selection of plurality of telephone call digits of a telephone number associated with a

telephone call attempt for a telephone call from the wireless device: in response

transmitting to a host enterprise server (see figures 1, and 2, and paragraphs 0006,

0021, and 0022). However, Kirbas et al. fails to disclose a controller which is configured

to: cause a query request to be transmitted to a host computer network through the radio modem to identify whether a telephone call to the telephone number should be inhibited based on long distance call restriction, determine whether the call attempt is restricted by comparing a country code or area code of a telephone number of the call attempt with the one or more country the long distance call restriction information.

Smith discloses a query request to be transmitted to a host enterprise server of a private communication network of the enterprise, through that radio modem to identify whether a telephone call to the telephone number should be restricted based information stored in the private communication network; receiving, from the host enterprise server of the private communication network, a response to the query request which is based on a comparison of a call restriction information performed at host enterprise server (pars. 36, 76-84), if the response is positive, allowing the telephone call; and if the response is negative, restricting the telephone call, and providing an audible or visual alert at the wireless device (par. 55).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Kirbas et al. as disclosed by Smith above for the purpose of screening calls that are made based on call restriction information.

However, Smith fails to disclose a host enterprise server of a private communication network of the enterprise which is outside of the wireless communication network within which the wireless device operates.

Elsey discloses a host enterprise server (see figure 1, pars. 6, 47, and 64-67, switch host computer 106) of a private communication network of the enterprise which

is outside of the wireless communication network within which the wireless device operates (121-134).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Smith, and have a host enterprise server of a private communication network of the enterprise which is outside of the wireless communication network within which the wireless device operates for the purpose of information download.

Regarding claim 15, the combination of Kirbas et al., Smith, and Elsey discloses the method of claim 14, comprising the further act of: transmitting the query only if the telephone number is identified as being a long distance telephone number (Kirbas et al., paragraphs 0006, and 0022).

Regarding claim 18, the combination of Kirbas et al., Smith, and Elsey discloses in a wireless communication device of claim 16 further comprising causing, by the host enterprise server, data items to be synchronized between an application of the wireless device and the host enterprise server (Kirbas et al., pars. 26-27, port 190).

4.   **Claims 17, 19, and 21** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S Patent No. 6,081,731 to David Boltz (Boltz et al.) in view of Smith.

.Regarding claims 17, and 19, Boltz et al. discloses a method of providing

restrictions of long distance calls from a wireless communication device for an individual

in the enterprise, for each of a plurality of individuals in the enterprise, the method

comprising the acts of: maintaining storage of long distance call restriction information in

a user profile associated with the individual of the enterprise, the long distance call

restriction information being indicative of one or more country codes or area codes (col.

2 line 63 - col. 3 line 16, and col. 3 lines 65 – col. 4 line 11); receiving, through a

wireless communication network, a query request from a wireless communication

device of the individual in response to an attempt to place a telephone call to a

telephone number from the wireless devicethrough the wireless communication

network, where the query request includes data indicative of a country code or area

code of the telephone number (col. 3 lines 1-19); in response to the query request,

searching the long distance call restriction information to identify whether the telephone

call with the country code or area code should be allowed or restricted by comparing a

county code or area code of a telephone number of the call attempt with the one or

more country codes or area codes of the long distance call restriction information; and

causing a response to be sent to the wireless device which indicates whether the

telephone call to the telephone number is allowed or restricted based on the

comparison (col. 2 line 63 - col. 3 line 29, col. 3 line 54 – col. 4 line 29, and col. 5 lines

40-45).

In a similar field of endeavor, Smith discloses in a host enterprise server of a

private computer network of an enterprise (see figures 1-5, and par. 19).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Boltz et al., and have a host enterprise server of a private computer network of an enterprise as disclosed by Smith for the purpose of utilizing the method in a private network to provide call processing (par. 19 lines 10-12).

Regarding claim 21, the combination of Boltz et al. and Smith discloses the host enterprise server of claim 19, wherein the host enterprise server is further configured to, for each one of the wireless communication devices for the individuals of the enterprise, regularly cause data items between an application of the wireless device and the host enterprise server to be synchronized via the wireless communication network (Smith, pars.21-23, AIN module).

Allowable Subject Matter

5.   **Claims 11-13** are allowed.

Conclusion

6.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to EMEM EKONG whose telephone number is 571 272

8129. The examiner can normally be reached on 8-5 Mon-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Lester Kincaid can be reached on 571 272 7922. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EE
5/17/07

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SUPERVISORY PRIMARY EXAMINER